

FILED 07 APR 02 0943AM CEP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TRUSTEES OF THE OREGON-)	
WASHINGTON CARPENTERS-)	
EMPLOYERS HEALTH AND WELFARE)	
TRUST FUND, et al.,)	
)	No. CV 06-1618-HU
Plaintiff,)	
)	OPINION AND ORDER
v.)	
)	
BQC CONSTRUCTION, INC.)	
HARDWARE SERVICE,)	
)	
Defendant.)	
)	

Stephen H. Buckley
Cary R. Cadonau
Brownstein, Rask, Sweeney
1200 S.W. Main Building
Portland, Oregon 97205
Attorneys for plaintiffs

MOSMAN, District Judge:

Plaintiffs filed this action for recovery of delinquent fringe benefit contributions and union dues on November 13, 2006. On

December 11, 2006, plaintiffs filed a motion for an order of default. The court found good cause and entered the order of default on December 14, 2006.

Plaintiffs now move the court for entry of a default judgment as follows:

- 1) in the amount of \$17,790.09 for unpaid fringe benefit contributions and union dues;
- 2) in the amount of \$1,169.45 in interest calculated through January 9, 2007, with interest continuing to accrue on the sum of the unpaid contributions (\$16,059.22) at the rate of 12% per annum from January 10, 2007, through entry of judgment, and interest continuing to accrue on the sum of the unpaid union dues (\$1,730.87) at the rate of 9% per annum from January 10, 2007, through entry of judgment;
- 3) in the amount of \$1,121.67 in liquidated damages calculated through December 20, 2006, with liquidated damages continuing to accrue in an amount equal to one percent of the unpaid contributions (\$16,059.22) on the 20th day of each month beginning January 20, 2007, until paid;
- 4) in the amount of \$1,156.32 in interest and \$1,275.50 in liquidated damages for late paid contributions and dues;
- 5) in the amount of \$2,805.00 as attorneys' fees;
- 6) in the amount of \$452.50 as costs; and
- 7) granting plaintiffs retention of the right to conduct a

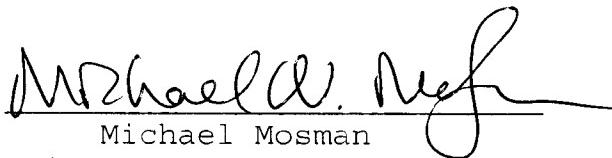
future payroll examination of defendant's books and records to ensure that all required fringe benefit contributions and union dues have been paid and to institute legal proceedings to recover any amounts found to be unpaid, together with liquidated damages, interest, payroll examination fees, attorneys' fees and costs.

Plaintiffs have not filed with the court a copy of the Collective Bargaining Agreement, the Master Agreement, or any other evidence of an agreement on how liquidated damages and interest are to be calculated. Plaintiffs have attached as an exhibit to counsel's affidavit unauthenticated documents which purport to be defendant's remittance report forms.

Plaintiffs' motion for a default judgment (doc. # 8) is DENIED.

IT IS SO ORDERED.

Dated this 2d day of April, 2007.



Michael W. Mosman
Michael Mosman
United States District Judge